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## Welcome speech

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Reto Hilty\*

## Welcome Speech

Mr. President, ladies and gentlemen,

after these carefully chosen words addressed to you by the penultimate president of the German group of the ALAI, Adolf Dietz, I do not want to go on for too long but just briefly outline the intention behind the topic of our conference:

It is so to speak the other side of the coin that Adolf Dietz touched upon:

We basically want to investigate whether – and if so to what extent – we may learn from history, and in particular from the path the German legislature took 50 years ago.

What was established in this country in 1965 actually was the so called “liability approach”, a term that only became common a few years later. This “liability approach” was and still can be seen as an alternative to the common “property approach” governing our IP regimes to a large degree.

This “liability approach” had (and still has) two tremendous advantages. First, certain uses of copyright-protected works – uses that formerly were prohibited, but nevertheless carried out, because the law was hardly enforceable in practice – such uses could be de-criminalized (to the benefit of the users concerned).

Second, beyond that (and even more important), a sophisticated compensation system was established, which generated substantial income; levies were collected by collective management organizations and ultimately distributed amongst the right holders.

Until today this “liability approach” retains a certain appeal; but the framework in which it applies has changed dramatically. In particular thanks to the digital revolution copyright industries have increasingly gained back their control over the use of copyright-protected works.

As a result, not only collective management organizations are now faced with new challenges. Beyond that, the relationship between creators (or performers) and the copyright industries needs to be reviewed under new (factual) conditions.

So far, however, the legal framework has been adapted only partly. Further steps might be advisable – but the crucial question is of course: steps in which direction?

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To find an answer to this question is by no means trivial. If the main topic of our conference is “remuneration”, we must be aware of matchless amounts of money at stake.

Not surprisingly, discussions about the future of copyright law are heavily influenced by conflicting interests. This is nothing extraordinary in legislative proceedings. However, we most probably will only make progress if all parties involved are sufficiently transparent and sincerely willing to achieve a fair balance between all interests concerned.

We – and when I say we, I mean the whole executive body of the German group that has been involved in the drafting of the program – we all very much hope that our conference will help to throw additional light on the different perspectives and that it may add a few new pieces to the complex puzzle of copyright law.

Before handing over to Thomas Dreier, the chair of our first panel, it is my duty and honor as the representative of the German group to express my sincere thanks to a few people – people without whom this conference could not be taking place.

First and foremost two “officials” of the German group deserve explicit mention.

This is on the one hand our Secretary General, Dr. Kaya Köklü, who literally acted as our “Jack of all trades”. Although we worked together with a professional conference organizer (Eurokongress), he had to take care of countless and infinitesimal details, but also most vital issues – like e.g. the budgeting.

On the other hand, our Vice President, Dr. Silke von Lewinski, amongst other things had to assume two tough challenges:

Firstly, she had to find suitable speakers for the numerous topics during the two days. This was a particularly difficult task when it came to the search for those representatives from industry who will explain their business models (tomorrow morning).

Secondly, she smartly acted as contact person

- between a strong-willed national president who constantly developed new ideas on how to carry out such an international conference, on the one hand,
- and the “Comité exécutif” de l’ALAI, who preferred adhering to long-serving traditions and practices, on the other hand.

The outcome is something in between – and I very much hope that it will be satisfactory for everybody. Luckily it convinced at least those who are also indispensable for carrying out such a huge conference: our sponsors.

You find them listed in your documentation, and I will not read aloud all names. However, I would like to mention at least that the lion’s share of our ex-

penses is borne by all German collecting societies together, organized under the roof of the ZPÜ (Zentralstelle für private Überspielungsrechte).

One of them – the VG Bildkunst – is even so kind as to provide us with our evening program (including dinner) tonight.

Further, the Deutsche Forschungsgemeinschaft (the German Research Foundation) contributed substantially, and last but not least we received highly appreciated support from some important law firms and also from some publishing houses.

